

AGENDA EXCOMM MEETING

**Trusts and Estates Section
State Bar of California**

**APRIL 22-24, 2005
OJAI VALLEY INN**

Sessions:

Friday: 1:00 pm - 5:00 pm (Meeting)
Saturday: 9:00 am - 12:00 pm (Meeting)
Sunday: 9:00 am - 12:00 pm (Ethics Guide)



"And I leave the remote control to..."

I. WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR

1. **Welcome & Introductions** [FITZPATRICK]
2. **Approval of Minutes of March Meeting** [FITZPATRICK]
3. **Report of Chair** [FITZPATRICK]
4. **Report of Vice Chair** [POTTS]
5. **Report of Section Administrator** [ORLOFF]
Administrative Matters

II. ADMINISTRATIVE MATTERS

1. **Finance and Budget – Financial Report** [POTTS]
2. **Council of State Bar Sections** [GODSHALL/ORLOFF]

III. COMMITTEE, TASK FORCE AND LIAISON REPORTS

1. **NCCUSL** [KAO]
 - (a) Uniform Trust Act (Professor English)
 - (b) Uniform Management of Institutional Funds Act
 - (c) New proposals solicitation
2. **CEB** [DENNIS-STRATHMEYER]
 - (a) Upcoming Programs
 - (b) Ads in CEB publications
3. **Computer/Internet** [HARTOG]
 - (a) Listserve
 - (b) Report on Real Property Section Online Journal Index
 - (c) Discussion Board
 - (d) Archiving ExComm meeting documents
4. **McAdams and Borissoff Task Force** [LODISE]
 - (a) Status
5. **Family Law Liason** [MOORE]
 - (a) Family Law § 2640 - Reimbursement
6. **Education** [KOONTZ]
 - (a) Report on past/pending programs
 - (b) Future programs

7. **Quarterly** [BURGER]
(a) Spring 2005 Issue status
(b) Summer 2005 Issue status
(c) Solicitation of articles
(d) Advertising [Hand]
8. **Income and Transfer Taxes** [KAO]
(a) State Legislation of Note
(b) Federal Legislative Developments
(c) R & T Code § 17742/17745
9. **Membership & Marketing** [ALBERIO]
(a) Membership count
(b) Marketing of education programs
(c) Staffing tables at MCLE programs
10. **Educating Seniors** [TONG]
(a) Speakers' Bureau - New Guidance for speakers
(b) Your Legal Rights - AMA Funding
(c) Coordination with Office of Emergency Services [Pollard]
(d) Status of Funding for Information Card and Senior Outreach Plan
(e) Review of Estate Planning Brochure [Payne]
(f) Review of Elder Abuse Brochure [Corey]
(g) SB 308
11. **CLRC Committee** [MOORE]
(a) Report on CLRC meeting
(b) Multiple party accounts
(c) Other pending or looming CLRC projects
(d) Uniform Trust Act/Prof. English Report
12. **Conference of Delegates** [LODISE/MOORE]
(a) T&E Resolutions
(b) CDCBA Resolutions
13. **Estate Planning Committee** [PAYNE]
(a) PC § 21350 (a)(6) care custodian project
(b) Probate Code § 6110 - witness requirements
(c) AB 361 - Cleanup
(d) AB 204 - posthumously conceived children [Sinsheimer]
(e) AB 12 - Nonprobate transfers
(f) AB 69 - Multiple party accounts
(g) AB 1539 - Notaries Public
(h) SB 158 - Powers of Attorney - Social Security numbers

14. Incapacity **[HARRIS/STERN]**

- (a) PC §§ 1900 -1901 and 2351.5 amendments
- (b) B&PC § 6068.5 — Attorney role in helping at-risk clients **[Lodise]**
- (c) PC § 15642 - HIPAA Issues working group **[Horton]**
- (d) Ongoing projects:
 - (1) Conservator investment powers – reform of PC §§ 2570 - 2574
 - (2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471
 - (3) Conservator independent powers – PC §§ 2590-2591
 - (4) W&IC § 15657.3 – Estate of Lowrie **[Tong]**
 - (5) PC § 2356.5
- (e) Medi-Cal Update
- (f) AB 1155 - Adoption of Rule of Court (Professional Fiduciaries) **[Potts]**
- (g) AB 10 - Placement of Disabled Persons **[Reggiardo]**
- (h) Other Legislation

15. Litigation Committee **[HORTON]**

- (a) Fiduciary self-representation in court **[Horton]**
- (b) California Law Revision Commission Tentative Recommendation on Statute of Limitations for Legal Malpractice **[Wolff]**
- (c) New cases
- (d) Combining will/trust procedures **[Kovar]** **[Streisand]**
- (e) Proposed model ADR rules **[Henden]**
- (f) Arbitration on Elder Abuse claims **[Corey]**
- (g) Preference for elders in trial and appellate courts **[Hand]**
- (h) Crosby Case - attorney-client privilege

16. Legislation **[REGGIARDO]**

- (a) Mandatory procedures re legislative proposals
- (b) Report on pending legislation
- (c) Legislative proposals submitted to State Bar for next year
- (d) Online Bill Tracking legislative information:
www.leginfo.ca.gov/

IMPORTANT GUIDELINES:

- Please use approved format for legislative proposals.
- Please Use Comment form for comments on legislation as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- If you agree to testify, be there unless otherwise notified.
- (e) Section Proposals

17. **Trust & Estate Administration Committee** [MACDONALD]
(a) Temporary Trustee powers [Lodise]
(b) Inconsistent requirements for recording deeds in different counties [Gaw]
(c) Creditors' claims revisions [Hand]
(d) Suing trustee for breach of fiduciary duty after death of trustee [Orvell/Hand/Wallet]
(e) PC § 16350 cleanup - Estate of Thomas [Burger/Hayes]
(f) Notice of Proposed Action by Trustee [Tong]
(g) PC § 13100 and other minimum fees
(h) SB 390 - Requirements for Assignments of Beneficial Interests [Hartog]
18. **Ethics Committee** [WOLFF/LODISE]
(a) Report of Liaison to Revision Commission
(b) Status of Ethics Guide Update
(c) Rule 3-310 of Rules of Professional Conduct
(d) COPRAC ethics opinion
19. **[Sunday Morning] Guide to the California Rules of Professional Conduct for Estate Planning, Trust and Probate Counsel - revised edition** [Ethics Guide Editor and Former ExComm Chair SUSAN HOUSE]

IV. COMING ATTRACTIONS

FUTURE EXCOMM EVENTS

Next ExComm Meeting

JUNE 11, 2005
Sacramento